

to the purchaser thereof; without any saving or exception as to the then growing or unfinished crop of the occupying tenant, which, in favour of agriculture and for the benefit of the public, is almost always made by this court as well where the land is directed to be delivered by the decree itself to a party, as where it is ordered to be delivered to a purchaser from a trustee who made sale of it under a decree.<sup>(e)</sup>

This summary mode of proceeding by a purchaser to obtain the possession of lands which he has bought at a sale made by virtue of an execution issuing from the Court of Chancery, is thus specially and particularly described. And the time for showing cause why he should not be thus put into possession, is limited to the first four days of the term next succeeding that to which said process was returnable. This application has, therefore, been made according to the manner and after the time *allowed* for showing cause, for it is not made necessary for the applicant to call upon the occupant to show cause, as the public sale is assumed by this law to be a sufficient notice to him of the peril in which he stands; and the first four days of the term next succeeding that to which the

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(e) *Rawlings v. Carroll*, ante, 75; *Wren v. Kirtton*, 8 Ves. 502; *Sugden, Vend. & Pur.* 42; *Oland's Case*, 5 Co. 116; *Co. Litt.* 55, b.

*WRIGHT v. WRIGHT*.—1716.—Decreed, that the defendant convey to the complainant, John Wright and his heirs, the land in dispute on his or their paying the defendant forty pounds sterling by good bills of exchange; and that she have liberty to finish the crop now upon hand; and that the said John Wright enter thereupon by Christmas day, but not to disturb her in the use of the houses until she has finished the shipping and packing the crop, and the use of the quarter in the interim. *Chan. Records, lib. P. L. folio 292.*

*TAYLOR v. COLEGATE*.—This was a creditor's bill filed on the 25th of March, 1803, by two of the creditors of John Colegate, deceased, against his six children and heirs, five of whom were infants. The bill states, that, being indebted, he died without leaving a sufficiency of personal estate to pay his debts; but that he held an equitable interest in certain parcels of land, which it was prayed might be sold to pay his debts. The defendants answered, and a decree was passed in the usual form, directing a sale to be made.

After which Elizabeth Colegate, the widow of the deceased debtor, filed her petition, in which, among other things, she stated, that she then, 12th May, 1804, had a quantity of wheat and rye growing on the land; which she had, by her own personal labour and the assistance of her neighbours, contrived to put in the ground the then last fall; that she apprehended the trustee would sell her grain then growing, with the land; whereupon she prayed relief, &c.

12th May, 1804.—*HANSON, Chancellor*.—On reading the petition of Elizabeth Colegate, the Chancellor thinks proper to declare, that it was not the intent of his decree, that the crop growing on the land of John Colegate should be sold with the lands; and that the trustee ought to announce to purchasers, that the crop is excepted.—*Chancery Records, 1804, p. 151.*